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Mapu Lahual:

Ecotourism and Indigenous Rights in Chile

A Capstone Project Submitted in Partial Fulfillment of the
Requirements of the Renée Crown University Honors Program at
Syracuse University

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and Renée Crown University Honors

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Abstract: This thesis will assess the efforts of international organizations (IGOs) and international nongovernmental organizations (INGOs) to facilitate self-determination and economic independence for the indigenous Mapuches peoples in Chile. My hypothesis is that both IGOs and INGOs to a great extent have helped indigenous peoples gain substantive rights in Chile. When analyzing Chilean progress in indigenous rights, three topic areas were identified. The first considers how the constitutional frameworks support indigenous rights and what rights are guaranteed or hindered due the Chilean 1980 constitution. The second is the economic inclusion and independence of the tribes or communities. Ecotourism projects have been implemented in Chile to help develop and conserve the environment, the economy and indigenous culture. How well do economic projects and land reform policy help give indigenous people substantive economic independence will be considered. The third is the political inclusion of indigenous people within the Chilean state. To what extent do indigenous peoples have a place in decision-making positions or have a role in making national policy? I will further address the intersection of indigenous peoples, territorial rights, eco-tourism, and international human rights with respect to national governments, international organizations and nongovernmental organizations. The main idea is to better understand the struggles of indigenous peoples for self-determination by focusing on how the state, NGOs and the Mapuche people coordinate eco-tourism efforts.

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Preface: My project began while I was working for a legal aid office in Ecuador. Noticing the economic inequality and disparity in health care within the country as well as the discrimination indigenous peoples faced, I began to question human rights and social justice in Latin America. By the time I arrived in Chile, I had completed some research on indigenous rights in Latin America. Extensive essays, research and journal articles have been written on indigenous rights, especially in the Andean region and Quechua people. However, I wanted to focus on the largest population of indigenous people in Chile and Argentina: the Mapuche people. The Mapuche do not just constitute the largest indigenous group within Chile and Argentina, but are one of the largest indigenous groups in Latin America.

I was able to conduct several interviews with Mapuches and government officials in both Santiago and Osorno for this project. All the names, even of the government officials, have been changed for their protection. Also, two interviews have been tape recorded which has been approved by both the interviewees and the IRB office.

When I came back to Syracuse, I worked on a research paper for Professor Dixon's Human Rights in Latin America class, focusing on international human rights and its effect on Chile. This has been added to my larger work as context for human rights and indigenous rights within the country including the legacy of the constitution of 1980 from the Pinochet regime as well as its continuing impact on fulfilling indigenous rights today.

Introduction

Indigenous rights as a subset of international human rights have gained significant attention since the advent of the United Nations working group on indigenous populations in 1982. Reaching from the grass roots community organizations, to international non-governmental organizations, national governments and international organizations, all of these groups have culminated in a new wave of human rights intending to lead to the inclusion of indigenous peoples in many areas. The adoption of the Declaration of Human Rights in the United Nations set a precedent for individual and community guaranteed rights that even national governments could not deny to their citizens. Building on these rights, the Declaration on the Rights of Indigenous Peoples tries to assert the unique situation of indigenous peoples as both part of all peoples rights as well as a separate group of rights that should be recognized. Following the work of the United Nations, nations have taken separate routes to embracing these declarations in terms of how they fit into their society.

Chile is a country rich in history and continues to struggle for implementation of human rights. In looking at indigenous peoples within Chile and the role of indigenous peoples as entrepreneurs in ecotourism, I hope to provide an assessment of the progress Chile has made toward indigenous inclusion politically and economically, and where they should go in the future. Some questions I would like to answer throughout my investigation are: How does the ecotourism project in Mapu Lahual fit into guaranteeing indigenous

economic independence and the international human rights paradigm? What role does indigenous culture's human rights have in shaping Chilean national policy? What role do NGOs and international organizations play in shaping Chilean indigenous social movement and Chilean national policy?

In my hypothesis I state that international declarations and norms of human rights have affected national governments in how they approach the treatment of their citizens. Looking at economic, political and legislative areas of the Chilean state, I will analyze to what extent international organizations and international nongovernmental organizations have influenced Mapuche indigenous peoples gaining and securing autonomy and inclusion within Chile.

Methodology

To test my hypothesis of international influence on indigenous rights and cultural development in Chile, I conducted several interviews and gathered research from the Chilean government and formal reports issued in the United Nations. The interviews I conducted serve to establish indicative perceptions of indigenous inclusion in the political process and decision-making roles in Chile. The surrounding communities in two cities, Santiago and Osorno, have a high population of indigenous peoples as well as government offices which allowed me to gather interviews in Osorno, Maicopuhe and Santiago. My primary sources were interviews with a CONAF government official in Osorno, CONADI consejo nacional government official in Santiago, a park ranger in Maicopuhe and a community leader also in Santiago. All offer distinct views on the role of the

state, and nongovernmental organizations and international organizations in the context of indigenous development.

To supplement this work, my secondary sources included UN reports, NGO reports, petitions and recommendations as well as state published data on money investments, laws, reports on development and statements of cooperation. This work is meant to establish the political and legislative position of indigenous people within Chilean society and government. Tertiary sources I found were in newspaper reports and books written on indigenous mobilization. These sources describe indigenous mobilization and national policy in several countries, the largest being Mexico, Brazil, Bolivia, Ecuador, and Nicaragua. However, little is written about Chile's role in indigenous affairs and in neoliberal policies that directly or indirectly affect indigenous rights. So to further develop an analysis on the progress made by the Chilean state for indigenous communities, I looked directly at the state office data, treaties and presentations made and published at the United Nations and online. All these sources work to further demonstrate the cultural, structural and economic dimensions of indigenous people's struggle for self determination and NGO and state involvement.

To determine the influence of international organizations in economic development, I conducted a case study on an ecotourism park in Mapu Lahual which is run by indigenous peoples. The goal of this park's assessment is to determine better implementation and developmental strategies so that the Chilean

government, NGOs and IGOs may better facilitate indigenous inclusion and self-determination within Chile.

Chapter 1 International Relations Theories

International relations theories aim to describe, through a certain framework, interstate relations and how international institutions effect national governments and citizens. Competing theories offer diverse and segmented explanations of what is occurring with indigenous mobilization. Each have their own set of norms or rules by which state interactions are characterized and try to develop a way of measuring and discussing how political power functions on the international level. Some of the most commonly discussed theories are Feminism, Liberalism, Realism, Constructionists and Marxism. The two most commonly discussed international relations theories are realism and liberalism.

Realism theorists describe international relations as a power struggle by nations towards nations. Realists would pay little attention to international organizations like the United Nations because they would argue that it holds little influence or power over state decisions and actions. Nations ultimately function in a state of anarchy where there is no international power governing how nations interact on an international level. Realists would also argue that nations, as rational actors, are constantly in the search of national interests and national security and do not act outside of these interests. Taking on this rule, it could be argued that the inclusion of indigenous rights constitutionally, allows for states to gain legitimacy when dealing with other nations, while also not giving up any

resources they do not wish to hand over. This would put discussions about indigenous rights as unimportant because the very basis of indigenous self determination would go against national security and would strip a government of land and resources it would otherwise have. They would debate that indigenous peoples within state borders have limited to no role in power politics. Special significance could be given to larger transnational organizations that span outside of national borders, for example, indigenous groups that connect across national borders on the basis of larger identity, but these are exceptions to the rules (Brysk 44). States still have the majority power, where they decide on the rules and norms, and ultimately discuss what will be on the agenda and have unlimited power over their citizens. It goes further to offer suggestions on how to handle indigenous movements, suggesting “international market and social forces should enter indigenous communities in concert with the extension of state hegemony--such as the classic triumvirate of missionaries, militaries, and oil companies in the Amazon--or else non-state actors will have limited impact divorced from state power” (Brysk 44-45).

Realists see powerful nations, for example the United States, as capable of shaping norms and regimes within international contexts and guiding agenda items. International regimes are seen as “informal but stable patterns of governance that coordinate the behavior of states, international organizations and NGOs around mutually desirable principles” (Brysk 44-45). However, the fact that indigenous peoples work with international organizations and international nongovernmental organizations proves that there is power within these

institutions in forcing governments to act in ways contradictory to their own benefit.

Realists do not account for the growing necessity to address indigenous issues when states would otherwise naturally oppose their consideration. Liberals refute realists by saying indigenous social movements move beyond state borders and therefore have a different effect on national power. Indigenous social movements have been able to locate outside of state assistance and call for help on a “pluralistic” and international level when contesting regimes and norms. (Brysk 45).

Liberalism describes international relations more comprehensively, allowing for nongovernmental organizations, individuals and international organizations to hold influence on national governments behavior. It contends that in the context of identity based movements, “The Indian rights movement helps reconstitute state interests and identities through international institutions. Indigenous people transform the meaning and impact of foreign intervention. And they blur citizenship when they establish independent ties with foreign states and peoples” (Brysk 46). Liberalism, however, does not address the whole situation of indigenous movements because it does not take into account the huge influence of markets and class struggle: “An alternative liberal globalist vision of international relations emphasizes the role of market forces and technology: multinational corporations multilateral development banks, and changing patterns of production and consumption as tribal peoples enter exchange relationships” (Brysk 46).

Now, “Indigenous communities have mounted an active response to market pressure, which has reasserted their identity in the dynamic of interests. Some tribal villages seek ethnic market niches, while others counter pose self-determination to development decisions made by market forces. Indian rights movements reconstruct the logic of profit through relationships to nature, each other and the international system” (Brysk 47). In this way, markets and class struggle come to the forefront of indigenous mobilization, refuting liberal theorists and moving closer to Marxist theorists.

Chapter 2 Marxism and the Connection to Indigenous Social Movements

Marxism rejects realist and liberal theory that tries to describe international relations through state or group influences. They view economics as the defining factor, analyzing the capitalist structure of the international system and the push for “capital accumulation” as defining relationships between nations and people (Brysk 47). Taking on this assumption, “the period of colonialism brought in sources for raw materials and captive markets for exports, while decolonization brought new opportunities in the form of dependence” (Brysk 47). Known as dependency theory, it describes developed countries as the pursuers of power, penetrating developing states and integrating them into the capitalist system in order to appropriate natural resources and foster dependence. There is a debate that Marxist theory is an oversimplification of the context in which social movements function and define themselves today. However, Marxist

theory best describes the environment that indigenous social movements live in today as well as the context in which they arose. Indigenous rights are an extension of economic, cultural and social rights from the Declaration of Human Rights. In addition to that, the main points of contention between indigenous peoples and the state remain political and economic. Class inequality due to neoliberal policies as an extension of colonial legacies during the industrial revolution and beyond play key roles in how people define themselves ethnically and therefore, Marxist economic theory continues to hold today. But a distinction should be made between the context in which indigenous movements began and how indigenous groups define the connection and network between themselves today. Identity and ethnicity seem to be greater influences on how people group themselves and interact with the international community. Constructivists argue against Marxist theory holding that regimes, norms and identity play a much more substantial role for current indigenous mobilization and grouping.

Constructivism looks at the construction of identities and ethnicities through meaning as well as the establishment and reconstruction of norms and regimes. They argue that indigenous groups move outside of class or economic ties and try to connect by culture and identity. Changing the meaning of indigenous peoples leaves behind old stigmas of ignorance, dirtiness, stupidity and social ostracization and moves them closer to being integrated or at least recognized by mainstream society. Everything is constructed by changing meanings and beliefs are “transmitted through norms” (Brysk 47) meaning that power is devised through meaning.

Political life is one facet of a larger process of social communication that tells us all who we are, what to expect, and when to obey...Theorists distinguish norms (messages) that are regulatory (rules) constitutive (identities), evaluative (principles) and practical (habits) (Katzenstein 1996; Goldstein and Keohane 1993). Political struggles over power and interest are previously defined by these deep social understandings...Internationally, norms are transmitted to states by communities through boundaries, multilateral memberships, bilateral persuasion, changes in elites, shifting domestic coalitions and new domestic principles and through collective action by domestic and transnational social movements....Previous norms are 'denaturalized' and reexamined and new ideas and practices are introduced, resulting in a conversion of other actors through interaction (Brysk 30-31).

Taking this theory to the international level, indigenous social movements try to influence global agendas by projecting new meaning to global civil society and connecting identities across borders (Brysk 32). Chile is a perfect example of this because while indigenous people are still at the bottom socially, their political and cultural importance is shifting because of social movements. By changing the meaning of what it is to be indigenous, Chilean indigenous groups have been able to reach out globally and gain support across borders with limited national government help.

Overall, these different international theories hope to explain the importance of indigenous rights and mobilization within the state and internationally. However, none of these theories offer a complete and accurate description of the context and function of social movements in international relations: instead each offer a distinct and interesting point of view. Defining the role of indigenous movements has become a contentious issue and depending on the theory, has had limited to extensive impact on the national government and global civil society. I contend in this thesis and as evident in my case study, that indigenous identity plays the most influential role in reaching goals of economic and political inclusion and autonomy. While indigenous groups fit best under a constructivist point of view, I believe that it is only through the context of economic development, capitalism and class struggle that indigenous social movements and the growth of indigenous eco-tourism projects like Mapu Lahual can be fully understood.

Chapter 3 Indigenous Rights

Indigenous rights are defined under the UN Declaration on the Rights of Indigenous Peoples as the ability to enjoy the rights as individuals or as a collective previously stated in the UN charter, Declaration of Human Rights and International Human Rights Law (United Nations Declaration on the Rights of Indigenous Peoples). Article 3 of the declaration offers a key element to the rights of indigenous peoples previously denied to Mapuche people in Chile. Article three states that “indigenous peoples have the right to self-determination. By

virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”(UNDIP). Eco-tourism projects in Chile, like Mapu Lahual, aim for economic development while also maintaining their cultural heritage. This is a right guaranteed by the international declaration, and it allows for both economic and cultural determination separate from state invasion.

Articles 4-6 offer the least security to states who decide to follow the declaration. It guarantees indigenous peoples the possibility of exclusion from the state they reside in and also offer the ability to a separate nationality. For Chile, this would be a hard policy to agree upon. Geographically, the center of Chile concentrates the majority of indigenous peoples, the right to self determination and the possibility of exclusion and separate nationality undermines state security in Chile because it could cut off the Northern and Southern sectors of the nation. An alternative to total separation of indigenous peoples is to recognize the distinct culture and language of the indigenous peoples while trying to integrate them into Chilean society. In this way, self determination is not lost but it is redirected toward state interests.

The Chilean National Library of History documents the growth and participation of indigenous movements within Chile since the 1980's. It has been defined by the realized work of one specific organization of indigenous rights whose mission statement revolves around the support and expansion of different social groups due to the large demand for new models of identification and

participation. El fondo or fund mostly consists of pamphlets, papers, information, articles, newspapers, and other documentation completed by this social organization. These social groups include peasants, communications, culture, human rights, students, church, youth, women, communities and politicians, professionals, syndicates, and workers.

Videos were also collected which focused on the relative history of people and communities within Santiago that functioned in popular radio, collective health, science, university culture, communities, exiles and repressed politicians, social groups, economic protestors, cooperative peasants, human rights organizations. As such groups, there have been Mapuches, and other indigenous ethnicities, to contest and support the participation and development of indigenous projects by the national government. And while some ecotourism projects like RML “offers a potential solution to the low per-capita income levels, limited natural resources, and insecure land rights of participating indigenous communities”(McAlpine), not everyone is supportive of the role the government has played in indigenous development.

Despite the fact that indigenous rights are such a contentious issue in Latin American countries, and with the geographic and strategic interests of the state that seem to go against indigenous interests, the Chilean government has embraced the inclusion and implementation of the Declaration of Indigenous Rights. International organizations like the United Nations have helped urge Chile to implement new institutional mechanisms to become more inclusive of

indigenous peoples. The growing relationship between Chile and the United Nations can be seen by Chile having a United Nations organ, ECLAC the Economic Commission of Latin America and the Caribbean's headquarters in their capital Santiago. However, finding a compromise between state interests and indigenous demands has proven difficult for individual countries, and the international community. And while steps have been made in creating a more comprehensive set of rights and laws by the Chilean state, there are structural and procedural issues that remain problems that need to be solved.

While indigenous social movements existed before the declaration in 2007, the UN Declaration on Indigenous Rights added legitimacy to a growing and more vocal population within nations. With the establishment of international human rights, there has been a reciprocal growth and development in human rights issues and law for both the UN and Chile. The United Nations opened the dialogue for human rights and social justice with the signing of the Declaration of Human Rights, applying political pressure on countries to adhere to new standards of international law. These laws were for the individual, overstepping national law and putting power back into the hands of the countries' citizenry. However, since the 1990's, there has been a shift towards national non-governmental organizations, international non-governmental organizations and indigenous social movements furthering human rights law beyond the United Nations. Indigenous rights have moved from the periphery towards the center of human rights discussions, especially in South America. And while we see the growing influence of nongovernmental organizations in promoting indigenous rights, in

the end, the Chilean government is still lacking key institutional changes, most noticeably the Chilean constitution, necessary for truly accepting full responsibility of its citizens.

Chapter 4 Case Study: The History of Human Rights in Chile

Understanding the history behind the indigenous movement in Chile starts with the struggle for human rights. I will focus on the progression of non-governmental organizations, indigenous social movements and human rights in Chile starting from the Pinochet dictatorship up to today in order to give a contextual basis for how Mapu Lahual came into existence. I first talk will discuss the end of the Pinochet regime and the birth of human rights and the indigenous social movement in Chile. Then I will go into the national government's response to international pressure on implementing human rights and indigenous inclusion as signed by the Declaration of Human Rights and both of the Covenants. However, the national government meets roadblocks to their progress because of the 1980 constitution created by Pinochet. This has allowed systematic abuse of the Mapuche and other indigenous peoples civil and political as well as economic, social and cultural rights by the government, despite the creation of new civil institutions in place to guarantee fair treatment of indigenous peoples. Both Human Rights Watch and UNICEF have created reports dealing specifically with human rights abuses allowed through the 1980 constitution which continue today. In the end, there are several recommendations given to Chile as to how to address these issues. Whether or not they are followed, I believe, will be due to the

growing pressure of international institutions like the United Nations, indigenous community organizations and the support of international non-governmental organizations.

During the dictatorship there was a law in 1978 that limited democracy and denied cultural relativism. It stated that all people are Chilean and should assimilate to the dominant Chilean culture. However, starting in 1994, they established the Indigenous Law which recognized the existence of other indigenous cultures outside of mainstream Chilean culture. This law is the first to consider the rights of indigenous people. However, there remains serious problems with indigenous rights. As one Mapuche community leader said, “the government looking for mines, gas, and other natural resources always has an excuse to take Mapuche land away. This worsened after the NAFTA free trade agreements. Who do the Mapuche consult? The land underneath the land we own belongs to the state, including water. People can be taken off their land in order to retrieve resources necessary for the government- and can be sold to companies. And Mapuches never know what is going on because of a lack of communication, no one knows the laws” (Llancapan). The geo-political structure of regions in Chile also hampers indigenous inclusion. The different regions and provinces, with diverse resources, climates and needs are all under the same jurisdiction of laws. So water laws for the desert are the same for Patagonia- it makes conservation and dealing with diverse cultural needs (because of diverse indigenous populations) difficult.

In laying a contextual foundation for human rights in Chile, it is important to establish the political and social framework that Chile lives in today. Socially, Chile still holds profound racism against indigenous peoples left by colonial legacies, economic capitalism and social Darwinism which have played and continue to play a central role in the lives and social contexts of Chileans today. And while Chile continues to recover from the devastating effects of the Pinochet regime, key constitutional reforms are still needed in order to redress serious human rights violations that are still legal within the Chilean government.

Chile signed the Declaration of Human Rights in 1948 and ratified the covenants on civil, political and cultural, economic and social rights in 1972. Ironically, as dictator Pinochet signed these treaties while continuing to persecute citizens and violate international human rights law. The international pressure put on Chile about human rights shaped the ways in which the dictator was able to enforce his laws and put the greatest limit to his power. However, the inability for the international community to enforce treaties signed by governments to honor codes of international human rights law, allowed for Pinochet to perpetrate large scale terror onto Chilean citizens. This opened the door for Chilean human rights organizations which have developed in the absence of international enforcement of their rights towards the end of the Pinochet dictatorship and its aftermath. Within the movement, indigenous groups and other national citizens groups advocate for truth, an end for impunity and reconciliation.

Indigenous organizations began to advocate for their rights, and to be included in discussions of human rights abuses from the dictatorship. For example, the Mapuche organization "Folil-che Aflai (Eternal Aboriginal People)" sponsored cultural and language programs to promote youth education and ethnic diversity" in direct opposition to Pinochet's laws denying multi-culturalism and stating national unity through exclusion of indigenous culture (UNHCR- Refugee Agency). By the end of the Pinochet regime which was severely weakened due to intense political pressure against human rights abuses, nongovernmental organizations began to stretch their legs in advocating for indigenous rights.

Indigenous social movements which pushed for their rights to be recognized as separate yet inclusive to other rights already defined, fall under the category of identity-based social movements. Keck and Sikkink offer several levels of influence and identity based social and political change movements: leverage, information, accountability and symbolic politics (Keck and Sikkink 1998: 16-25). Leverage arises out of alliances with powerful outsiders, usually as a conglomerate of large and recognized transnational indigenous groups and with other nongovernmental organizations. These ties offer influence in other sectors of society that otherwise repressed indigenous groups would not be able to access. The influence of indigenous groups in the United Nations is such an example. Only through transnational networks were they able to reach a level outside of their own states that did not recognize their rights and representation. Information also plays a strategic role: "The strategic use of information is an important channel of Indian rights movement influence, and the value of indigenous

communities' information is linked to their identity: as local knowledge and bearers of tradition" (Brysk 1995)" (35-36). Accountability can arrive through several mechanisms, but all with the same goal of committing states to their own 'normative commitments' like when signing international agreements. Chile is not a signatory to the declaration. However, a declaration is not a treaty and holds no legally binding obligation on states. Accountability comes from indigenous organizations and social movements in pressuring states to sign declarations and to implement those declarations when they are signed. (Brysk 35-36).

Information and technology have allowed for indigenous groups to unite across borders as well as take the power away from states and into the hands of indigenous organizers. States cannot control the flow of information and linkages made across them. This has also reshaped how indigenous organizations organize. While in the past, organizations grouped through shared goals and interests, now they form through shared identity. "Projecting this normative identity offers greater strength to unite with others from different geographic areas as well as gaining support from outside communities. (McCarthy 1997;Weyker 1996)" (36). Indigenous organizations are in essence, political organizations. In that respect, all politics are are 'who gets what'. Ethnic politics have been characterized as "strategic mobilization of groups competing for state resources through virtually arbitrary cultural characteristics (Horowitz). Organizing around identity and cultural difference offers a form of resistance to a European colonized cultural identity and hierarchy of indigenous inferiority. In mobilizing,

these groups seek cultural goals and aim strategies or interests at non-state actors with little or no material gain (Anderson 39-40).

Because of international influence through declarations, covenants and political pressure, there has been a huge response to human rights issues and inclusion of indigenous peoples by the Chilean government. In 1993 the Chilean government passed what they called the “Indigenous Law (19,253)” which established national recognition of eight different ‘ethnic groups and communities’ in Chile. It also created CONADI which stands for the Corporación Nacional de Desarrollo Indígena- National Corporation of Indigenous Development. Part of CONADI is the use of indigenous representatives within the system, to better adhere to the needs of indigenous peoples (Perry). Since the law was created it “ended subdivision of indigenous communities...a significant amount of land has been returned to indigenous communities, particularly to the Mapuche in southern Chile. Indigenous political organizations were active participants in the drafting of the Indigenous Law, but it did not fulfill all their demands (as it went through Congress)”(Perry). This also led to other organizations representing indigenous groups, successfully “claiming their rights to bilingual and intercultural education and although this is not guaranteed by the constitution, it has been a major element of educational reform programmes at pre-school, primary and secondary levels since 1996” (Perry). Also in 2002, a symbolic achievement was made, although in practice it had little power, with the creation of the Commission for Historical Truth and New Treatment of Indigenous Peoples. However, in the end, this commission “failed to secure the

implementation of constitutional changes but it did represent an official willingness to debate the question of indigenous rights and to rewrite official versions of history, acknowledging the long-term suffering and repression of indigenous peoples in the country” (Perry).

However, while these improvements have been to the benefit of many Mapuche communities, certain laws created by Pinochet’s constitution are still in existence and threaten the legitimacy of human rights in Chile. Towards the end of Pinochet’s rule in 1989, the Chilean legislature made reforms to the 1980 constitution. It gave more civilian representation in the National Security Council and made the military a subordinate to the civilian government. However, the reforms also “allowed the military to form tribunals and be the only branch of the government to have jurisdiction over complaints of human rights abuses against the police and military personnel” (UNHCR- Refugee Agency). The problem with this law is that when it comes to Mapuche land protests, it is often the police and the military violating the Mapuche’s human rights. Because of the national governments reluctance, or inability to answer the call for greater inclusion of indigenous rights, nongovernmental organizations have played a more prominent role.

The Human Rights Watch report for 2009 outlines the successes and weaknesses of Chilean policy dealing with indigenous communities. In this way, Human Rights Watch shows the national government’s main weakness, implementation. An anti-terrorism law created by Pinochet and his constitution during the dictatorship has been turned on indigenous groups to prosecute

Mapuche peoples related to territorial disputes in the Southern Chile. According to Human Rights Watch, Pinochet's anti-terrorism law "violates the basic due process rights of these indigenous defendants". The law allows for Mapuches who are considered terrorists under this law to be prosecuted through military courts, not the civil courts. Opening the door to further human rights abuses because of a military stronghold over civilian institutions, it also has had serious consequences when dealing with complaints by Mapuches over severe police brutality. In addition to this judges in the Temuco trial "have allowed the prosecution to conceal from the defense the identity of at least six witnesses...these so called "faceless witnesses" have been testifying in court behind screens and with voice-distorting microphones, and are visible only to the prosecutors and the judges (Human Rights Watch). The practice of using faceless witnesses violates article 14 of the International Covenant on Civil and Political Rights-ratified by Chile-which guarantees every defendant the right "to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him"(Human Rights Watch).

The circumstances surrounding the case started with the law which was created by Pinochet to tackle political dissent. It is being argued by human rights watch that it is "wholly unjustified when dealing with crimes attributed to the Mapuches that are mostly against property". Militarization of the country still exists from the Pinochet legacy because of the standing constitution. The constitution blocks the military and police from having to face civilian courts on

human rights abuses which allows for impunity for violators of Mapuche rights (Human Rights Watch). The military has argued that in the constitution, Mapuche protests for land rights can be considered terrorism because: "Under constitutional law, crimes of arson may be considered terrorist actions when intended to 'spread fear in the population or part of it' even if they don't constitute a direct threat to life, liberty or physical integrity." However, international law has yet to come up with a precise definition of terrorism. Because of the ambiguity of the definition of terrorism, international organizations cannot openly oppose Mapuches being persecuted as terrorists, only the manner in which these people are being detained. The UN terrorism Prevention Branch calls terrorism "to be applied only to the gravest crimes of political violence: 'the peace time equivalent of a war crime' (Human Rights Watch) in order to promote fair treatment of indigenous protesters and to reinforce their right to contest state land acquisition.

Land entitlement disputes have long been a contentious issue between the state, private companies and indigenous groups. A main consequence of the refusal to respond to indigenous requests by the state is the mass protests which have become more violent. Dissenting Mapuche groups have protested and fought against police, logging companies, and civilians by burning homesteads, crops, and pine plantations.

Since the 1990's, the struggle by indigenous groups to regain entitlement to their land has become increasingly violent, even prompting visits by UN rapporteurs for indigenous peoples. This led to UN political pressure toward Chile for their treatment of the Mapuches in particular. In 2004, Human Rights Watch

teamed up with Chile's Indigenous Peoples' Rights Watch to try and report on the issues of indigenous protests tactics. The report cited that these tactics had moved to the "use of force, such as the blocking of roads, occupation of disputed land, felling of trees, setting fire to manor homes, woods and crops, and sabotage of machinery and equipment" (Human Rights Watch). In response, the Chilean government charged 200 people as part of the indigenous organization Coordinadora de Comunidades en Conflicto Arauco Malleco "with crimes of illicit terrorism. In November 2004 six of those charged were tried and acquitted" (Perry).

Struggles for land rights have led not only to rigid law enforcement and the use of extreme laws to try and combat Mapuche people; another casualty to the land wars are children. UNICEF wrote a report calling for a stop to violence against indigenous children. The form of the human rights violation is police violence against children and teenagers "constantly committed during raids on communities suspected of having had a hand in crimes under investigation by the justice system." While the police often go after the adults suspected of arson, the effects and careless disregard for the safety and welfare of the indigenous children have led to them also becoming victims. Circumstances surrounding the case continue to be the struggle for land rights. Tactics used by the Mapuche to combat the state have been acts of arson which a radical Mapuche organization Coordinadora Arauco malleco (CAM) has claimed responsibility for most of these incidents. However, the consequences of these protests have been intense. The police have been using the terrorist law in order to use excessive force against the

Mapuche and treating them as if they were already convicted of crimes. Fernando Diaz, a Roman Catholic Priest works with indigenous people protesting for land rights and has seen firsthand how brutal the police can be. Often the military treats the indigenous people as if they are convicted terrorists; already sure they have done something illegal: "The police charge into the villages as if they were terrorist hideouts, hitting out right and left and shooting. They are really provoking these communities. The present climate of tension in the communities is the fault of the carabineros and prosecutors who are using disproportionate violence" (Diaz).

Along these lines, the United Nations Human Rights report presented in Geneva continued with a similar analysis of human rights in Chile and offered these recommendations: Rodolfo Stavenhagen, UN special rapporteur on the situation of human rights and fundamental freedoms of indigenous people, "The present situation of indigenous people in Chile is the outcome of a long history of marginalization discrimination and exclusion, mostly linked to various oppressive forms of exploitation and plundering of their land and resources that date back to the sixteenth century and continue to this day" (Stavenhagen). The recommendations were to sign the International Labor Organization Convention No. 169, an international treaty guaranteeing the human rights of indigenous people, to have the protection of human rights take precedence over private, commercial and economic interests in a review of legislation that might be in conflict with the Indigenous Peoples act, that the government should take into account the proposals contained in the report by the Historical Truth Commission

on needed legal, economic and cultural changes and that necessary steps should be taken to set up a national human rights institution” (UN Human Rights Report).

The solutions the Mapuche have been looking for are not coming from the state; therefore, people are reaching out to NGOs to work with them through the international system. The growth of nongovernmental actors in shaping international human rights can be seen very readily in the development of indigenous rights. Even with the original declarations and treaties on human rights, indigenous people have taken a backseat to having their rights enforced within their countries. The networks between local nongovernmental indigenous groups and international nongovernmental organizations such as Amnesty International or Human Rights Watch, has had the most success on pushing equal rights for indigenous people both nationally and internationally.

Chapter 5: Defining Social Movements Affects in Chile

Seeing the influences indigenous groups have had on international institutions is clear when looking at the United Nations. Starting with the Declaration on the Rights of Indigenous Peoples adopted by the General Assembly in 2007, it is easy to see the heavy influence indigenous peoples have had on its formation. It became apparent that there was a need to include a declaration specifically on indigenous peoples as the other human rights documents were being side-stepped when dealing with indigenous people, especially in Latin America. Consistent and blatant human rights abuses

continued to occur when it came to countries indigenous populations and a consequence of this was use of indigenous communities approaching nongovernmental organizations to approach international institutions with their issues. The creation of the Declaration was through several workshops including one from the commission of human rights. Indigenous populations in the creation of this declaration shows the power indigenous groups had in promoting and vocalizing their inclusion in the international human rights regime: "More than 100 indigenous organizations participated in the Working Group of the Commission annually. In addition to participating in large numbers in the Working Group on Indigenous populations and other meetings, indigenous people are also becoming more prominent as individual players on the world stage" (UN website). What is unique about indigenous organization and promotion is that they have been able to go around the state, in order to demand rights the state often refuses to give them. The ability for indigenous people to be represented in an individual manner, outside of state representation, takes power out of the hands of the state and into nongovernmental organizations and international institutions that try to promote human rights. It was due to indigenous pressure and the growing need to establish rights specifically to a marginalized set of people systematically discriminated against due to past colonial hierarchies that the United Nations wrote the Declaration and created the Permanent Forum of Indigenous Peoples.

Another indication to how influential these indigenous organizations were to the United Nations can be seen in the membership of the Permanent Forum of

Indigenous Peoples. "The members nominated by governments are elected by ECOSOC based on the five regional groupings of States normally used at the United Nations. The members nominated by indigenous organizations are appointed by the President of ECOSOC and represent the seven socio-cultural regions determined to give broad representation to the world's indigenous peoples" (UN Forum of Indigenous Peoples). The structure of the forum within ECOSOC, allows for indigenous peoples elected by their communities and countries significant power. It also has heavy influence in the United Nations itself where the purpose of the Forum was to "discuss indigenous issues within the mandate of the council relating to economic and social development, culture, the environment, education, health and human rights" (Permanent Forum website). "To substantiate this work, the Permanent Forum was called upon to provide expert advice and recommendations on indigenous issues to the UN system through the council; raise awareness and promote the integration and coordination of relevant activities within the UN system: and prepare and disseminate information on indigenous issues" (UN website). Therefore, it acts as an informer to the UN, where indigenous organizations hold significant informative power within the Permanent Forum. So how does this translate from the International level to the national level? Looking at how indigenous rights have surpassed national governments reluctance to tackle their demands by going to international forums, the influence of international organizations can be seen on the national level.

Chapter 6 Mapuches and the State: Data on CONADI and CONAF on

Land Allocation

What has the Chilean government done to better accommodate indigenous demands for land rights and economic freedom? When did they first start implementing projects to help indigenous peoples? What has been the progress of these projects according to the Chilean state and to the United Nations? These are some of the questions I wish to explore in this section.

The creation of two governmental organizations designed to support and take on indigenous issues is crucial in the regard of state-community relations. The Indigenous Law of 1994 led to the recognition of eight indigenous ethnicities within Chile and the necessity to have indigenous participation in the political forum. This law thus created CONADI as the governmental branch as the main authority for the Chilean indigenous ethnicities (CONADI website). CONADI and CONAF have worked together, first creating an official agreement guaranteeing the cooperation of the state with indigenous peoples. Second it has also stated its role in the active investment of indigenous economic development through ecotourism projects, to improve the lives of individuals considered the poorest and most marginalized within the country. CONADI is the acronym for the National Commission on Indigenous Development and its activities range from distributing land subsidies, promoting and implementing projects involving indigenous culture, mediating legal disputes between the state and communities (usually through land disputes) as well as broader environmental issues. The program is run by the national council, established by Bachelet as a formal consultative body of elected indigenous representatives to discuss and support

indigenous development. The structure of the Consejo Nacional, or National Council, is the consultative body which reports directly to the president and underneath that is the national director, finance minister, cabinet, sub auditor and then all the departments: administration and finance, the women's bureau, culture and education, water and earth, management control, human resources and wellbeing services, wildlife environment, and indigenous program. All the departments work together to create projects beneficial to indigenous peoples. An example of this relationship between indigenous communities and the state is the buying of native territory for individuals and communities negotiated between CONADI and the indigenous program.¹

The process by which to apply for land titles can be found on the CONADI website. On the website, CONADI gives the necessary forms and evaluative process for petitions which indigenous peoples use to gain titles to land they believe to be rightfully theirs. First entering CONADI, the petition is approved by the president and then is moved to a committee which decides whether it goes to the court or to a separate board. In the application, the person petitioning CONADI for land decides what route they want their case to go and being confirmed by this committee it passes through one of these two outlets. In addition, petitions that argue they have a historical right to the land that they do not currently own have to fill out an anthropological study in addition to their application for that to be considered. Based on this evaluation, the petition is either approved or denied. If approved it goes through the next stage of called

¹ (See Appendix Page 69-70 Figure 5 and 6)

“the stage of viability”. This process is used to determine whether the application is complete and accurate as it was turned into the office. It sends governmental officials to review all historical records, evidence and any other information which is continually turned into and evaluated by the court. The final stage starts with the extended resolution that eventually approves the amount of money for the land and the petition.

How many people and communities receive support from the CONADI land title program? The CONADI website publishes the amount of petitions that have been approved and money sent out as well as petitions pending approval. Between 1990 and 2009 there has been steady investment in buying lands for indigenous communities and individuals in several regions across the nation. The recognition of community rights have been created through the fact that funds are given as community grants. This follows the Declaration on the Rights of Indigenous Peoples and their assertion that community rights are a right and an important aspect of indigenous peoples. In total, there has been an investment of 2.5 billion pesos in 2009 as compared to when it started in 1994 with 5 million.

The investment of government funds to indigenous peoples from CONADI has listed amounts paid since 1994. CONADI has listed it in three sections: economic promotion of rural and urban indigenous peoples, management support for social development, and in research before investments. Overall, starting with 1994 through 2009 there have been waves of investment by CONADI into indigenous projects². However, investment has not fallen below the initial 5

² (See Appendix Page 68 figure 1)

million pesos given by the state in 1994.

Is there a distribution inequality? Were smaller proportions of ethnically distinct indigenous populations receiving more money than larger groups of indigenous peoples? Are there geopolitical reasons for this imbalance? Firstly, “Chile covers an important diversity of landscape and environments that have favored the establishment of diverse indigenous groups. Eight ethnic groups are recognized by the Chilean legislation: Aymara, Quechua, Atacameno, Coya, Yagan, Mapuche-Huilliche, Rapa-nui and Kawashkar, with a total population of approximately 630,000, representing about 4.6% of the total population of Chile (INE 002)” (Oltremari and Jackson 216). The greatest population of indigenous groups is the Mapuche-Huilliches at (81.5%) and the Aymaras (14.1%) with the Atacamens at (1.6%). Private protected areas are most prevalent in the third, tenth and fourteenth, and twelfth (CONADI website).

Secondly, there does not seem to be unequal distribution in the allocation of governmental funds to different ethnic groups of indigenous populations. The distribution of indigenous people geographically is concentrated more to the south. However, every region has different indigenous communities. In the fifteenth and first regions live Aymara peoples, the second region holds Atacameno and Quechua peoples, the third region holds Colla and Diaguita peoples, the fourth through seventh regions hold the Rapa Nui but is less populated with indigenous peoples, the eighth through thirteenth is Mapuche territory, and the fourteenth is Kawashkar and Yagan territory. Given this spread

of different groups of people, the largest public protected areas are found in the first, fifteenth, second, third, ninth, tenth, eleventh, twelfth and thirteenth regions listed according to size. In looking at the spread of indigenous peoples in the different regions of the country, and then to how much money is invested per region, there doesn't seem to be a preference of any region or indigenous group receiving more state help per population of community members. In addition to this, the state has done a report specifically addressing this issue. Directly within the study, the national forest corporation stated that it “attempts to characterize and compare the indigenous populations associated with each natural area, in particular the current conflicts with the objectives and management programs of the areas, and the perceptions and expectations for the communities regarding the role of the institution ‘administering the areas, the Chilean Forest Service (CONAF)’” (Oltremari and Jackson 216).³

The biggest question that is left unanswered is whether or not these ‘subsidies’ to families and communities to buy their land legally belongs to them. Who legally owns those lands given by the state to the indigenous peoples: the government or the people? Are these ‘subsidies’ just another form of agrarian reform? Can the state take back lands issued by the state, like what occurred under Pinochet? There is no real answer for these questions. While the state assures the people that they are the rightful owners of the land given by the state, there is no guarantee that land seizures, like what happened under Pinochet, will

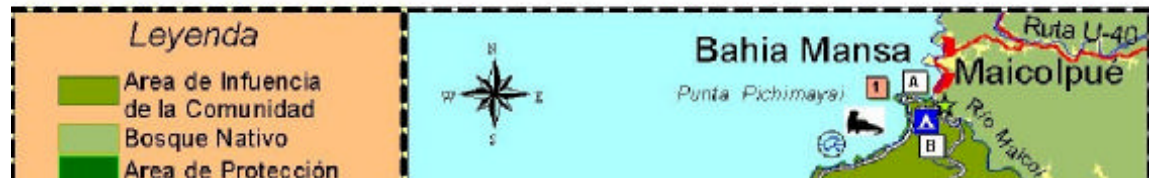
³ See Appendix page 68 Figure 2, page 73 Figure 3 and Figure 4

not happen again. And that remains a point of contention by skeptical indigenous peoples.

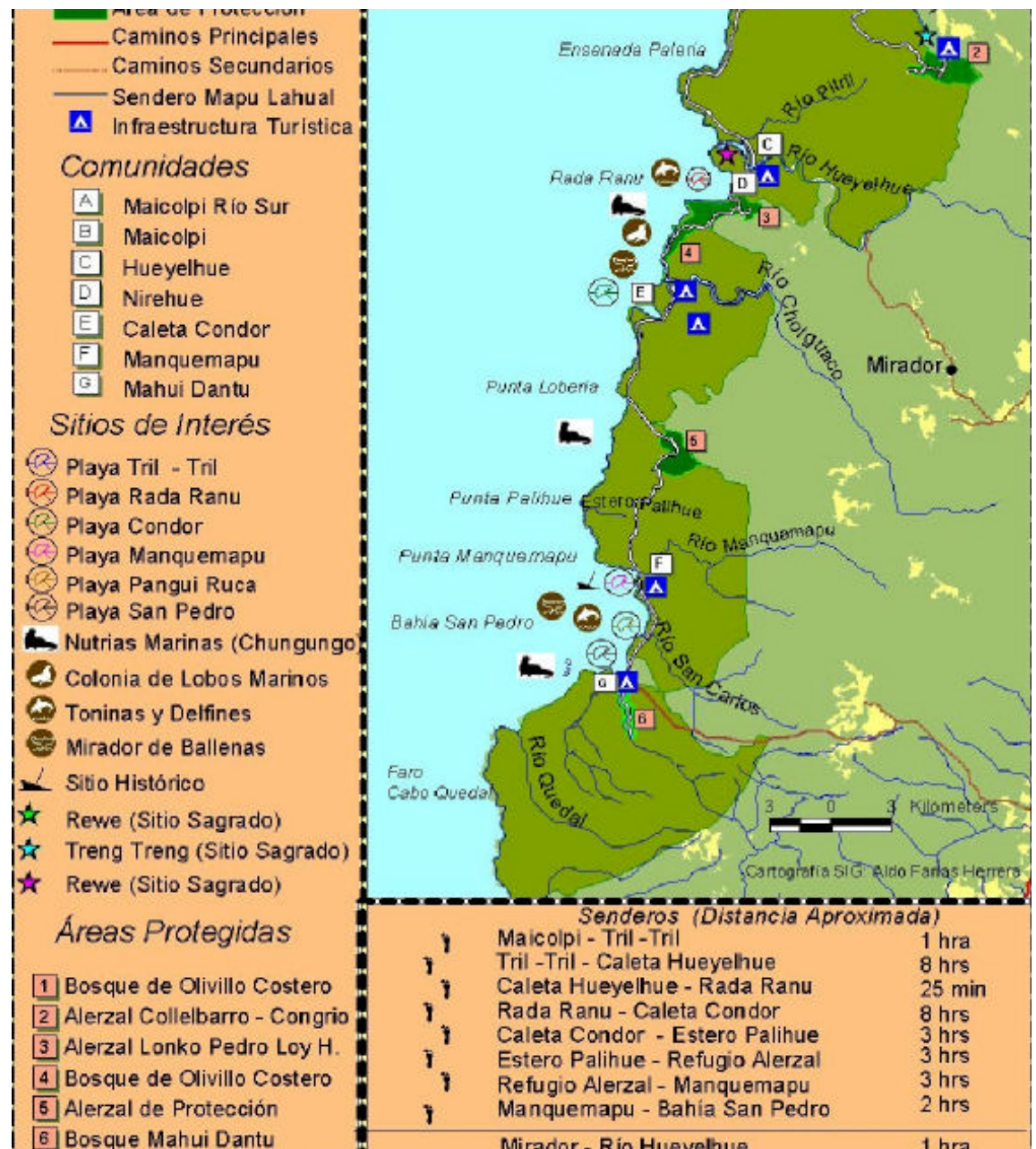
Chapter 7 Case Study: Mapu Lahual

Chile has become an active participant in guaranteeing, at least constitutionally, the rights and economic improvement of indigenous populations⁴. In testing an area of high indigenous-state interaction like ecotourism projects and the selling of lands to indigenous peoples, it can be tested to what extent these rights have been guaranteed.

Red de Areas Protegidas Indígenas Mapu Lahual



⁴ Figure 7



The Ecotourism Park known as el Red Mapu Lahual or network of Mapu Lahual, is an ecotourism park by the coast of the providence Osorno. This park is funded through collaboration between international non-governmental organizations, the Chilean national government and tourists. Mapu Lahual is a network of public and private cooperation between the regional government, the

national commission on forestry CONAF, the national commission on indigenous development CONADI, SERNATUR, Fondo del Bosque Templado (WWF, FDLA, CODEFF), GEF Marino, CIPMA y Coalicion por la Conservacion de la Cordillera de la Costa (citing: CONAF website). Established in the early 1990's, this providence is located in the 10th region and holds a large population of Mapuche-Huilliche people. Huilliche is designated to people in the south of Chile, not including the urban Mapuche population in Santiago and it signifies “people of the south” in their native language, Mapundungun (McAlpine). The park is led by its own indigenous organizations with elected officials from within the communities, and the land is distributed down a section of southern cost. The community members consist of indigenous Mapuch-Huilliches in nine separate areas: Maicolpi, Maicolpi Rio Sur, Hueyelhue, Nirehue, Loy Cumilef, Caleta condor, manquemapu, Mahui dantu and Melillanca Huanue with a total of 197 families (Panquierno). ⁵

The extraction of live Alerce trees was the main source of income for the people in Osorno, even though it proved to be the most destructive to the land. In an effort to conserve these natural forests, the Alywin government outlawed, under Decreto supremo N 490, cutting down live Alerce trees in 1976 (McAlpine). The location of these temperate forests, and the unique Alerce tree only found in the south of Chile, led to WWF designating the area of Osorno and its coastal regions as one of the 25 sights of global priorities of conservation for

⁵ See appendix page 71 and 72 Figure 8 and Figure 9

flora and fauna (WWF). However, the Mapuche “still relied upon extraction of dead alerce for about half of their market incomes. Forestry regulations limit the legal available natural resource stock and create additional costs for local people who make their livings from forestry” (McAlpine). The economic disparity quickly growing and further marginalizing the people in that area coupled with the need to cut down on the illegal extraction and selling of natural forest led to the creation of an ecotourism park. The park was approved in 2002-2003 and has garnered widespread international attention. The World Wildlife Fund WWF has worked to set up trails, signs, and activities to draw in tourists as well as CONADI which has bought sections of the Mapuche territory in land titles the Mapuche now hold.

What is interesting about the organizations investing in this park is that the government is the only institution interested in indigenous rights. NGO's while helpful in the implementation process and while bringing valuable skills and insights to the different communities, do not represent or are directly concerned with the indigenous populations. However, through the work they have done in setting up the park and teaching the Mapuche-Huilliches valuable skills, they have empowered the indigenous populations to be able to direct and run the program themselves. Elected leaders from each region of the ecotourism park act as a liaison between nongovernmental organizations, government officials and tourists as well as a leader in how to appropriate funds brought in by tourism and investment. From the public sector, the government has paid the most attention to

the consequences of ecotourism for indigenous people as well as for conservation (Meza 162).

However, the establishment of ecotourism parks like Mapu Lahual are still running into problems with efficiency and autonomy because of land rights. The Mapuche-Huilliche people within the 10th region own only segments of their original territory. Allocating land and buying houses through a complex process has allowed for some indigenous peoples to hold titles to the land they belong to. However, there are still people who do not have land titles for where they live. This has occurred because of the Chilean government's complicity in allowing public and private companies and individuals to buy indigenous land since around 1859 (McAlpine). As of 2002, "Seven of the eight communities in the RML lack land titles to all or some of the land within their areas of influence; the eight indigenous communities in the RML had approximately 45,000 hectares within their combined area of influence but only possessed land titles for about 10,000 hectares" (McAlpine).

Gabriela Panquierno a government official from CONAF, talked about this issue. The main concern in setting up an ecotourism park that works effectively and legally is for the indigenous people running the park to have the titles to the land. It is both within the government and local communities' interest to have indigenous ownership of the park. However, gaining land titles are difficult due to the lack of documentation, land titles already given to private companies in the past, and a lack of proper understanding of where boundaries

begin and end for different Mapuche communities. She then described the roles of other governmental agencies such as the National Commission on the Environment (CONAMA). With different governmental agencies in charge of different aspects of the park's management, it is difficult to know who to go to when help is needed. CONAMA for example, offers money directly to the Mapu Lahual Park and decides which community should receive it. WWF plays a similar role as CONAMA by also offering money and designating how that money should be invested. CONADI supported indigenous ecotourism with lawyers, judiciary to secure lands and representation in government through the National Commission. Gabriela views the role of CONAF as a organization that helps organize and create the park in a manner that coincides with forest laws. She points out that the main goal is conservation and to get indigenous peoples to comply with those laws.

In an effort to further their goal, indigenous leaders and CONAF officials created Proyecto Hueyelhue, a Mapuche landownership project. The dependence on natural resources, geographical isolation, low-income levels and a low national minimum wage coupled with lack of land titles were the largest roadblocks to the success of the park (McAlpine). This is again, where the indigenous law of 1994 worked in the Mapuche's favor. The first article dictated the obligation of the state to support development strategies for indigenous communities, which is why CONADI has a judicial and legislative branch of its organization. In this way, land titles can be given to the people running the park as a way to better support the park's success and the indigenous development: "By working together and

with public officials, many of the participating communities got land titles. The PH enabled the creation of the RML because it established an effective process for communication and cooperation between communities and between communities and public officials, demonstrated the potential mutual benefits of this cooperation, and built the trust between the participants in what was to become the Network of Mapu Lahual RML” (McAlpine).

Money and resources given from the government to the park has been invested in five ways:

1. Training community members on tourism
2. Integrating the communities of RML
3. improving trails and building camping areas
4. promoting the RML to potential tourists and

5. most significantly, the CONAF officials contributed their expertise as forest technicians.

Alfonso Hinostroza is the park official of the Maicolpue region of Mapu Lahual and has worked with both WWF and CONAF in establishing and developing the park since its creation. He is responsible for maintaining contact with the regions in the park, the WWF coordinators as well as with the state officials. First addressing the role of the state in Mapu Lahual, the park supervisor overall trusted and appreciated the help of both CONADI and CONAF. He

described the way in which money is given to the different communities consists of allocating to each community separately to invest in their community based on their needs. Defining their needs comes from a combination of what the WWF and government dictate as necessities, and then others are petitioned for by the communities themselves. For example, building trails and investing in canoes for water sports are necessities to WWF to better facilitate the activities of the park. The communities have received and continue to receive instruction on how to direct ecotourism projects and the development of the park. However, if communities wanted to build a community house, for all to use, it could be invested in with government or NGO money upon their approval.

The allocation and spending of funds as separate communities within the park reveals another roadblock to Mapu Lahual's success as an ecotourism park. It illustrates that the communities inside the park are not united but instead act as separate entities. This makes it difficult to communicate necessary information, like new CONAF or CONADI rules, laws from the government, NGO participation and what has worked and has not worked as they construct the park (Oltremari, 217). In addition to this, there is no social protection if there is not sufficient tourism during the winter or rainy months. Tourism is one of the many activities people do to earn money in Osorno; including the harvesting of dead alerce as an alternative to harvesting the now illegal live alerce. To combat this issue of seasonal tourism and a lack of stable income, many communities have tried to spread the training of the community members into professional programs like medicine and learning English (Alonso Hinostroza). Both of these assets can

help the Mapuche break out of the service industry and become a more competitive employee for work outside of Osorno. Alfonso believes that CONAF has been trying to supplement this work and augment opportunities to travel or help the success of RML.

However, the success of the park as some see it, like the CONAF government official Gabriela, is centered on conservation, not indigenous rights. Some believe that such ecotourism projects are used by the state as a way to maintain control over certain areas of land and the people who live on it: “This conventional approach perceived the establishment and management of natural areas as a means to control the activities of indigenous and local people, without regard to their needs and without their involvement, leading to a gradual process of the erosion of cultural values” (Oltremari and Jackson 215). Mapu Lahual fights against this assertion by encouraging cultural inclusion and pride as an essential part of the park’s progress (Hinostroza). But Oltremari and Jackson make a valid point, especially when the majority of the land used in this park was bought through CONAF, a government organization.

Another counterpoint to the idea that the government is just trying to maintain control of indigenous peoples with ecotourism projects is the idea that CONAF officials and NGO staff empowered local leaders by showing them how to run the park. However, empowerment does not come in just running the park, it also comes from who makes the decisions about territory, the laws that influence tourism and conservation, who is in government office and how much money will be contributed in the future.

Decision making positions that directly and indirectly affect these communities are still outside of indigenous participation. They do not have a direct and strong policy institution, even within the government. The National Council Consejo Nacional is a branch of the government, yet holds no decision making power. This allows for the elected officials in the Ecotourism Park, the non-governmental organizations and governmental institutions to spread the system so there are no clear cut lines on who owns what and has final decision making authority.

Jose Pillanpel is an elected National Council member and represents the Mapuche from the Santiago region. He had a mixed outlook on the role of the Council in representing indigenous peoples but blamed many of the short comings on lack of resources. He believed that the Council could and is making headway in giving indigenous people representation in government; however, it remains symbolic. Without substantive decision-making authority, there was little indigenous people could do through the Council to further their own goals when contrary to the government's objectives. One of the largest stumbling blocks for the Council as well is resources. Lack of a stable or substantial income has diminished effective communication between the indigenous communities and the state. For example, The Nation Council meets in La Moneda Santiago; however, council members live in regions all over Chile. Sometimes it is difficult for these elected officials to come to the city when necessary because of travel expenses.

Juan LLancapan, an Urban Mapuche indigenous leader located on the outskirts of Santiago, is more skeptical of the state's role in indigenous communities. He believes that "there is no deputy or representative for 'us'" and that the Council is not democratic and only has a symbolic character when dealing with human rights, politics and participation. The position of the government, in his mind, is to have the Council as a consultative body with no intention of making it an autonomous or authoritative body. The council can ask the government for money propose certain projects, but it is ultimately up to the Congress and the president to have final say. The best way of fixing the current problems remains the use of international agreements. The Council remains incomplete and is below the standards of the UN participation and reports, and he recommends that Chile enhances its promises made through the United Nations. The state does not intend to give authoritative power to the National Council, and he believes that international pressure is a driving force in compelling the state to recognize the rights and autonomy of indigenous communities.

He also referenced communication issues. When asked about his goals as a community leader, they revolved around the necessity to recuperate Mapuche culture and better the dynamic between the different Mapuche communities. Lack of communication can be found not only in Mapuche-State relations but from different Mapuche-Mapuche relations as well. There seems to be a lack of fluid communication between the different communities, which interferes with a crucial step in uplifting indigenous peoples: Education. Educating the Mapuche about their rights was the first step to ending the prejudice against indigenous

Mapuche and since most indigenous communities are low-income and marginalized workers, there is insufficient means of communication. Resources, education and meaningful government participation are instrumental institutional changes that must occur to guarantee indigenous rights.

When asked about the role the environment plays in Mapuche religion and life, he responded that it was a type of philosophy “where mysticism, religion and harmony between human and nature and healthy living are combined. There is a difference between the government (Catholicism) and the Mapuche religion. They respect everything and everything has life and a soul” (Llancapan). Ecotourism did not fit into his idea of sustainable indigenous development and culture. He found that there was no profound cultural consideration or discussion that existed on a massive level: “It is only an economic project. It should be cultural tourism with less “tourist luxury” and focus on how we dress, what we eat”. Greater investment into cultural aspects of indigenous lives must be a priority for the government. While CONADI and CONAF focus on economic gains and environmental conservation, priorities for the Chilean government, cultural conservation and promotion are left up to indigenous peoples themselves to uphold and to finance.

Chapter 8 Lessons Learned

Lessons that can be learned from this project are extensive. Captured within several articles published on ecotourism projects, especially on the success of Mapu Lahual, is the need for autonomy and independence for the running and

maintenance of these parks. This has been a major success for Mapu Lahual and offers a great example for future projects (McAlpine). It is also noted that the communities within the different regions of RML will conserve if there is a real economic benefit to do so. However, relying solely on ecotourism is not an option: “The future impact of the RML on the communities’ per-capita income levels depends on how many tourists come and how well tourism operates...As indicated in the existing literature on ecotourism, it is important to caution that ecotourism alone cannot ensure the protection of natural areas and local cultures, but rather that it will be up to the communities to decide how to manage their resources” (McAlpine). Success for ecotourism parks, according to McAlpine, was dependent on

1. Leadership by public officials and communities
2. Program Hueyelhue which created a process for communication between public officials and communities leaders and cooperation by leaders of different communities
3. The indigenous law, which established a structure for local leadership in the communities and gave public officials a legal basis for participating in RML
4. NGOs
5. Local decision making power (left to leaders and park managers)

The relationship between the indigenous peoples and the state has always been tense if existent at all. Many indigenous communities in Chile were skeptical at first of the state voicing interest in helping establish sustainable businesses

within their area, and some maintain that skepticism today. But even with the mixed reception of state involvement in indigenous affairs, substantial progress can be seen within the state institutions and within the interaction between indigenous peoples and the Chilean state: “Over time, the perception of the communities regarding CONAF’s administration has been changing. Good intentions, a wider concern for the welfare of the indigenous communities, and the search for dialogue are recognized as positive developments. However, communities still perceive significant obstacles for the resolution of conflict, given the complex and centralized structure of the governmental institutions” (Oltremari and Jackson 217). The different testimonials between Alfonso and Jose demonstrate the differing trust between the Mapuche and the Chilean State. Jose expressed a severe mistrust between the Mapuche and the government’s efforts to incorporate indigenous peoples into mainstream society. While on the other hand, Alfonso talked extensively on the role CONAF played in establishing the park and seemed to believe the state was a necessary and omnipresent part of the current and future development of the park: “CONAF strategies to involve indigenous communities in the management of natural areas have improved the perception of the communities toward governmental institutions...They accept CONAF as associated with the administration of the natural areas, and they understand that their territorial demands are not a responsibility of CONAF” (Oltremari and Jackson 218).

When I talked to Gabriela working for CONAF, she voiced sincere and prolonged interest in the state making connections with local communities and

developing long term economic gains for the people in the area. The creation of ecotourism projects seems to have a beneficial effect on both indigenous and state economic development. It has created legitimacy in the eyes of indigenous peoples as well as simultaneously promoted environmental conservation and economic development. Working with indigenous communities has also afforded the Chilean state the ability to alleviate international and national pressures on indigenous rights and has given legitimacy to Chile nationally and internationally. Projects such as eco-tourism in Mapu Lahual have also created a larger impact on indigenous social mobilization. Indigenous tourism and indigenous goods have allowed these communities to integrate into the larger society as a legitimate cultural and ethnic identity in the country. Is Mapu Lahual a social movement? No, but it has benefited from the progress social movements have made in the country. They form themselves around identity instead of interests which parallels social movements, and it often takes on larger goals than just economic development.

Problems that have arisen are equally as extensive as the successes. Three areas need to be addressed to further indigenous rights in Chile. The first being improved communication which continues to be a large stumbling block for the Mapu Lahual park and the nearby neighborhoods. Alfonso Hinostroza from Mapu Lahual showed me a small area of the park and told me what his most current projects in developing the park had been. Along with education, investment in higher standards of living for inhabitants and development in infrastructure, awareness of the park has been a high priority. The people in the surrounding area

had varying degrees of connection to the Ecotourism Park. Some local residents were unaware of the park's existence, most people left during the winter when tourism was low, and some provide year long services to the park, including shuttle rides, and food vendors. Alfonso spends an extensive amount of time on education and public relations locally. While the park is internationally known, locally there are few people that even know the park exists. International college students doing research projects, interns that work for government officials in Osorno, and tourists from other countries are the people who visit the park.

The high amount of international attention and investment (NGO's) that have been given to this park contradict the local awareness of the park. The increase in international attention, constitutional changes, slight private investment changes, and interest from scholars and tourists are juxtaposed to the people actually affected by these policies. When I went to Osorno, I was surprised to hear how Alfonso had to talk to local communities and visit local schools to tell people they lived within an ecotourism park. I went during the winter so there were no tourists. I asked taxi drivers, hotel owners, people on the street, shop owners where the national park was, and they didn't even recognize the name. Taxi drivers did not know how to get there because the usual buses and shuttles that go there were seasonal as well. The people who benefit from tourism in the summer often leave during the winter for other work. Is it a sustainable business? Can people benefit long term? Where is the money going? Many homes still do not even have running water in their houses.

There is a disconnect between international communication and networking

between organizations and people, versus local communication. One of the main challenges the park official said that needed to be improved was inter-local communication. He dedicates time to go and talk to local schools and local meetings to educate children and local community members that the park exists and what both the government and international organizations are contributing to the area.

The second problem presented, in addition to these communication and long term sustainability issues, is the continuation of contentious battles over land rights and self determination. “80% of protected areas in South America and 85% in Central America, have indigenous peoples living within them (Colchester 1995)” (Oltremari and Jackson 215). “The prohibition of traditional uses of natural resources by the indigenous peoples has generated misunderstanding and hostility” (Oltremari and Jackson 215). A perfect example of this would be state involvement in first denying indigenous peoples from a part of the economy in which they survived, meaning the harvesting of alerce trees, and then hoping to reestablish connections by developing eco-tourism projects. However, Mapuche peoples are also divided within their own communities. While they stand united through identity, they are often divided through interests. Some wish to gain political or social rights like the Mapuche community leader in Santiago, where others focus on more economic rights and development. Each offer conflicting ideologies on how to obtain these rights and what is the most important mechanism to further their own interests. However, this is not what I encountered with my interview with Alfonso. While regionally there might be conflicts, I have

heard that within the local community they have united goals.

Alfonso expressed that the main interests the communities had in being part of Mapu Lahual were strategies to better implement park infrastructure, like trails and guided tours in English, as a means for greater economic opportunities and employment: “They aspire to acquire new capabilities to carry out projects using innovative technologies and to improve their traditional practices. They are also demanding a greater commitment by CONAF in environmental education programs and they desire an expansion of these activities to their schools” (Oltremari and Jackson 287).

Demands for certain areas of land and the right to those natural resources, like with the alerce forests and the destruction of native forests by foreign companies replacing trees with foreign pine, continue to exacerbate tension between the two groups. Obtaining legal rights and proving heritage rights to certain lands are addressed within CONADI; however, providing anthropological studies and evidence of land rights prove difficult and there has been no mention as to how effective using courts have been in giving lands to indigenous peoples. The government official I talked to in CONAF also mentioned legal struggles pertaining to the projects of giving land back. She said that she works with the buying of land from governmental funds. When petitions to buy land are made by a community or individual, that petition then goes to CONADI who then gives money to CONAF to make the legal arrangements and buy the land. After the land is bought by the state, either from private companies or private owners, the titles are handed over to the Mapuches.

Compounding the issue with land acquisition is that often, these properties are handed over to individuals: “Chilean laws recognize the existence of ‘indigenous communities properties’ but many of them have been subdivided into small individual rural holdings and most indigenous groups do not understand the meaning and operation of a communally owned property” (Oltremari and Jackson 216). However, I don’t like the whole ‘they don’t understand’ idea. They are quite capable of understanding what owning land is, most of the people either live part time on the national park or have family that live in the adjacent city or in Osorno in their own houses. Some families only stay in Osorno or in the adjacent town next to Mapu Lahual during the spring and summer when the weather is nice and there are tourists. Where subsistence farming or other small economic activities were done by indigenous communities in the past, seasonal guided tours and more tourist or service oriented projects are new alternatives (Oltremari and Jackson 217).

The third problem that arises is differences over proper implementation and cultural legitimacy, which has become another major issue: “Today it is recognized that the establishment, planning, and management of natural areas will be more effective if ethnic groups and other stakeholders are comprehensively integrated into the process (Amend et al. 2002, Oltremari and Thelen 2003....However, to be successful in this integration process, the perception of the communities toward the institution administering natural areas should be sufficiently positive to create opportunities to solve eventual conflicts. A negative perception on the part of the communities will create distrust and lack of

credibility (Oltremari and Thelen 2003)” (Oltremari and Jackson 216). Gabriela at the CONAF office reiterated this struggle for the state. She mentioned how part of her job, while acting as a government official and implementer of policies and project support, also entails her taking on the position of public relations officer to the indigenous people within the region.

Chapter 9 Policy Changes and Recommendations

Chile has greatly progressed in the area of human rights since its dictatorship in 1973. The Pinochet era left severe human rights and impunity issues that demand retribution to all Chileans: “The Pinochet regime left deep-rooted structures and scars that affected and continue to affect not only the direct victims of torture, disappearances, extrajudicial executions, illegal detentions and other unspeakable violations of civil and political rights, but also the social fabric of Chilean society to this day” (Amnesty International). The constitution of 1980 established by members of Pinochet’s cabinet has left institutional, cultural and economic legacies that must be over turned in order to fully guarantee the rights of all citizens. Bachelet, the president from 2006 to 2010 has instituted several promising commissions that work towards deepening institutional frameworks aimed at social justice and human rights for all indigenous peoples. Part of these commissions is to address what the state can do to better address the needs of the people.

I. National human rights institutions

The Chilean government has identified several challenges they face in implementing and continuing their work with indigenous communities. The first set of challenges is institutional. From a political standpoint, there are still issues of recognition, representation and participation of indigenous ethnicities in the government (*Re-Conocer: Pacto Social por la Multiculturalidad*). This pervades all levels of government: national, regional and local. For example, environmental policy and water laws are uniform across the nation, often conflicting in different areas and regions of the country (Hinostroza). The Chilean government has instituted commissions and a separate court to better address the demands of indigenous peoples, but there are discrepancies between the conception, pertinence, efficiency and management of land redistribution and projects (*Re-Conocer: Pacto Social por la Multiculturalidad*).

The second group of challenges the state recognizes revolves around culture and identity. One major issue arises from the construction of multiculturalism in terms of the acceptance and inclusion of indigenous peoples into the larger Chilean society. This issue includes how to recognize indigenous peoples as different without discrimination and total rejection of any form of racism (*Re-Conocer: Pacto Social por la Multiculturalidad*). Like many South American countries, indigenous identity holds with it a serious stigma and set of stereotypes. The country hopes to establish a new agreement between Chileans and the indigenous communities that both recognizes the past injustices, and is still a productive step forward legally and socially in regards to guaranteeing their rights.

Culturally, the Chilean government also makes a distinction between the characteristics of urban and rural communities of indigenous populations. They distinguish between the urban and the rural communities because of cultural differences as well as differences in social and economic demands. This includes indigenous communities of the same ethnicity. Mapuches in Santiago, for example, have different opinions and demands than Mapuches from Osorno. When there are such differences even between members of the same ethnicity it complicates the ability of the national government to adopt a uniform code on indigenous rights.

But with these sets of challenges, the government also offers a plan of action to address these issues. Some of the most progressive or extreme measures the state has expressed interest in pursuing are: to discuss constitutional reform in the congress to recognize indigenous communities, create a sub secretariat for indigenous affairs, to better implement the international treaty 169 OIT (1989) and the effective construction in all regions for the presence of indigenous ‘round table’ discussions to better facilitate the diverse needs of distinct indigenous groups and the state (Chilean report to the UN). As of 2010, all of these steps have been implemented, because of Bachelet’s presidency. However whether Piñera, the current president, will continue these plans remains to be seen. But even with the work Bachelet’s presidency has accomplished, there still remains larger communication and spatial conflicts.

II. International human rights institutions

Several international institutions work together to support countries efforts to

include indigenous peoples economically, socially and culturally. The UNDESA Task Force, UNPFII and IASG all form part of the essential international framework to guarantee rights defined by the Declaration on the Rights of Indigenous Peoples. Each offer substantial cooperation between other UN agencies that work to further encourage indigenous inclusion internationally into the international discourse and policy.

The United Nations has played a significant role in recognizing indigenous rights and supporting economic and human rights developments in Latin America. There are several branches of the United Nations system that focus specifically on indigenous rights. The United Nations Permanent Forum on Indigenous Issues, UNPFII, is “an advisory body to the Economic and Social Council, with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights” (UNFII website). The forum meets ten days annually to discuss certain themes universally important to all indigenous ethnicities around the world. It has recently established a bi-annual working method that focuses first on a specific theme or topic and then the second meeting focuses on implementation, without theme (UNFII website). Within this forum reside the Inter Agency Support Group, the DESA Task Force and UNPFII workshops.

The Inter Agency Support Group for indigenous issues, IASG, “was established to support and promote the mandate of the UN Permanent Forum on Indigenous Issues within the United Nations system” (UN website). It later expanded its duties to include additional support to all branches of the UN system.

Working in conjunction with other inter-governmental organizations and branches of the UN system, it allows for any recommendations made by the support group to be considered by all involved in order to “facilitating comprehensive and coordinated responses to the UNPFII” (IASG website). Membership of the support group is not done by country or individual, but rather a collaboration of other UN branches. There are currently 31 UN system branches as members. The head of the organization, the chairmanship, rotates annually and has been occupied by the ILO, the World Bank, WIPO, UNDP, UNICEF, IFAD and the Secretariat of the Convention on Biological Diversity (SCBD) (UNPFII website). Themes the workshop addresses include: Indigenous Children and Youth in Detention, Custody, Foster-Care and Adoption; Development with Culture and identity: Articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples; Corporate Accountability and the Extractive Industries; implementation of article 42 of the United Nations Declaration on the Rights of Indigenous Peoples; Climate Change; Indigenous Languages; Consultative Protection of the Environment; Perspectives of Relationships between Indigenous Peoples and Industrial Companies; Millennium Development Goals, Indigenous Participation and Good Governance; Partnerships between Indigenous Peoples, Governments and Civil Society; Workshop on Data Collection and Disaggregation for Indigenous Peoples (IAWG website).

The DESA Task Force is the Economic and Social Affairs office task force on indigenous issues. It works with the DESA office to “coordinate work and expertise and promote the integration of Indigenous issues in DESA’s technical

Cooperation programmes” (DESA website). The task force framework is divided into four main branches: identifying indigenous peoples in diverse contexts, participation and free, prior and informed consent, collection and disaggregation of data and indigenous women (DESA website). Along with the support group, it works on similar goals as part of the larger UN system.

The UN also created a report on indigenous rights from the regional office of Santiago in Chile. It reports on the work of the Chilean state and shows that there is, at least on paper, a strong correlation between the symbolic work of the state and the international pressure being put on Chile. While there is no way of knowing if the Chilean state would work this hard regardless of international pressure, it is easy to see the presence of international institutions in the work of the Chilean government. ECLAC is within Santiago, progress reports are given to the United Nations on indigenous development and on paper Chile has taken great initiative to better the relationship with indigenous peoples. The Mapuche however, have mixed feelings on this point.

With these mechanisms in place, what has been accomplished and what still remains to be done on an international level to augment indigenous inclusion? The current focus in these workshops revolves around the consideration of indigenous issues within the implementation process of the millennium development goals. Work is currently being undertaken to provide statistical, economic and collaborative support to make indigenous conscious decisions while implementing developmental strategies in countries around the world. While the forum currently functions as a global advocate for all indigenous

ethnicities, it might be helpful to also look at individual situations to further understand and support unique situations that do not apply to all populations.

In, looking for the common interests and conflicts on the national, international and local communities IGO's, NGO's and GO's, there are several recommendations that can be offered. In drawing the conclusion that ecotourism parks offer a selective and partial answer to a larger problem of indigenous inclusion and communication, the next question to ask is what else can be done to further the process of self determination of indigenous peoples?

My Recommendations

I would offer definite recommendations that will help build policies for specifics on indigenous rights and ecotourism specifically in Chile. The use of international organizations and international nongovernmental organizations are helpful in pushing the state to act in a more responsible manner towards all of their citizens. But indigenous identity and culture are rarely valued by the larger Chilean society outside of economic tourism. How does the state or indigenous communities work to effectively include indigenous peoples as legitimate and respected members of society?

At the national level

- Institute communication structures to facilitate indigenous awareness of rights and effective participation in government forums
- Amend the constitution to allow participation of indigenous peoples in policy making and meaningful participation in national environmental and economic development.

- Create quota systems to encourage indigenous participation in local, regional and national government positions.
- Provide support, monetarily or materially, for indigenous peoples to participate actively in international forums such as the UN Forum on Indigenous Peoples

The largest problem that must be addressed is in the realm of communication. International institutions such as the DESA task force or the IASG have the ability to help in this regard by offering support to indigenous organizations and communities in the form of transportation. Part of the communication gap that seems to exist between the Mapuches, the government and NGOs are based on being able to meet in specific locations. Both government officials and community members noted the inaccessibility of national meetings, international conventions and NGO meetings that prohibit their ability to get indigenous peoples thoughts heard. And while technology has closed the gap, there still remain serious issues when it comes to lower income communities as many indigenous peoples find themselves in.

Another part of investing in better communication networks comes from direct indigenous participation in the construction of policy and declarations within the United Nations. Further integrating indigenous people into national politics is a high priority nationally, but having the same level of indigenous participation internationally should also be expected. Gender mainstreaming has helped bring gender inclusion and awareness to the forefront of international policy and has encouraged gender equality in international institutions. A similar

indigenous mainstreaming should also be promoted.

Quota systems in national and Foreign Service positions could also be implemented. This is another way that would guarantee that a diverse range of concerns, discussions and points of views can be expressed and taken into account when policy is being created. In the DESA Task Force workshops, they expressly stated that efforts should be made to better integrate indigenous issues and concerns into the larger concerns of all countries. For example, individual state concerns for meeting the Millennium Development Goals often conflict with the rights and concerns of indigenous peoples concerning land ownership, environmental degradation, or economic growth over cultural respect. By having indigenous peoples within other United Nations commissions, there is automatically a broader and inclusive acknowledgement of marginalized peoples, who are usually the last to benefit from such economic policies.

At the UN:

- Create a similar indigenous mainstreaming project, like that of gender mainstreaming, which keeps track of indigenous peoples participation within the UN and in national governments. This would also open discourse between indigenous peoples rights and further deepen the norms established in UN Declaration on the Rights of Indigenous Peoples.
- Allow funding for indigenous peoples to participate in forums like the UN Forum on Indigenous Issues
- Expand the DESA Task Force

And finally, it would be recommended that there be an expansion of the UN Forum on Indigenous Peoples as a key link between global civil society, grass roots organizing and community building. The UNPFII is a relatively new institution. There exists abundant untapped potential that could be used to further support programs that economically, socially and politically develop indigenous rights. Expansion of the DESA Task Force to promote and invest in specific local projects formed by the government like Mapu Lahul is suggested. Also donated assistance for national and international travel, work on data collection, anthropologic records, land rights, and fair trade on indigenous goods to further support petitions to gain land titles should occur.

These recommendations are obtainable because of the low level of commitment necessary for their implementation. Indigenous mainstreaming would work to encourage discussion and inclusion of indigenous peoples, but does not commit a certain amount of people. Allocating resources to communication and transportation would support people's ability to meet and develop social and economic programs, but does not favor a certain political strategy. The most committal suggestion of the three is establishing a quota system. However, indigenous representation can be encouraged or ignored at the discretion of the commissions or states themselves.

Civil Society Groups, NGO's:

- Maintaining sovereignty of indigenous groups that you support is essential. Mapu Lahual is a great example of maintaining indigenous autonomy because WWF offers the community instruction on how to

maintain the ecotourism park. While the community is still dependent on both the state and NGO's currently, the work both are doing is to eventually leave the indigenous community totally self sustainable.

- NGOs also need to take a more active approach and concern for indigenous rights even if the main goal is environmental conservation.
- Acting as a link between the indigenous community and local and state governments to provide and pass information would also help.

At the regional level:

- Latin American countries must take a more active role in guaranteeing human rights and indigenous rights within their borders
- They must reach a consensus on indigenous rights and the demand for active participation and inclusion of indigenous peoples in every countries government.
- Become active participants in the Organization of American States when ratifying and promoting key human rights institutions remains another essential.

Regional solidarity is crucial for indigenous rights, especially in the Southern Cone. Indigenous peoples do not conform to state boundaries, as evident by the Quechua people in the Andean region in Ecuador, Bolivia and Peru or the Mapuche people in Chile and Argentina. Steps must be taken as a collective in order to better the lives of all indigenous peoples, regardless of state boundaries. The work of international institutions such as the United Nations and the Organization of American States is based on the belief that national concerns are

also international concerns. Human Rights go beyond national sovereignty and demand the compliance of all individuals to respect the rights of all cultures and communities. In ratifying institutions like the Inter-American Court on Human Rights and tackling issues such as indigenous rights countries are taking on their responsibility to their citizens respecting their individual and communal rights as peoples.

Chapter 10 Conclusion

In conclusion, the declaration on the rights of indigenous peoples and the inclusion of indigenous rights as part of the international human rights regime has greatly impacted the Chilean state in its approach to indigenous inclusion.

Important steps have been taken by the country to guarantee constitutionally the rights of indigenous peoples, and laws have been created that work to integrate indigenous peoples in to the current governmental structure. However, implementation has proven to be less successful. Communication, transportation and meaningful representation have been voiced as frustratingly slow and inadequate to many Mapuche peoples. Ecotourism projects have offered a creative outlet to benefit the state and local communities by enhancing economic expansion, obtaining land ownership, and forcing cultural and social discourse.

The gap between the international and local however, remain the largest inconsistency. Currently focusing on the big picture and global indigenous rights has allowed for local development to be passed over. By integrating indigenous people more extensively into the international system and by offering assistance to local communities, a more substantive difference can be made to the actual

development of indigenous peoples.

Appendices

Figure 1

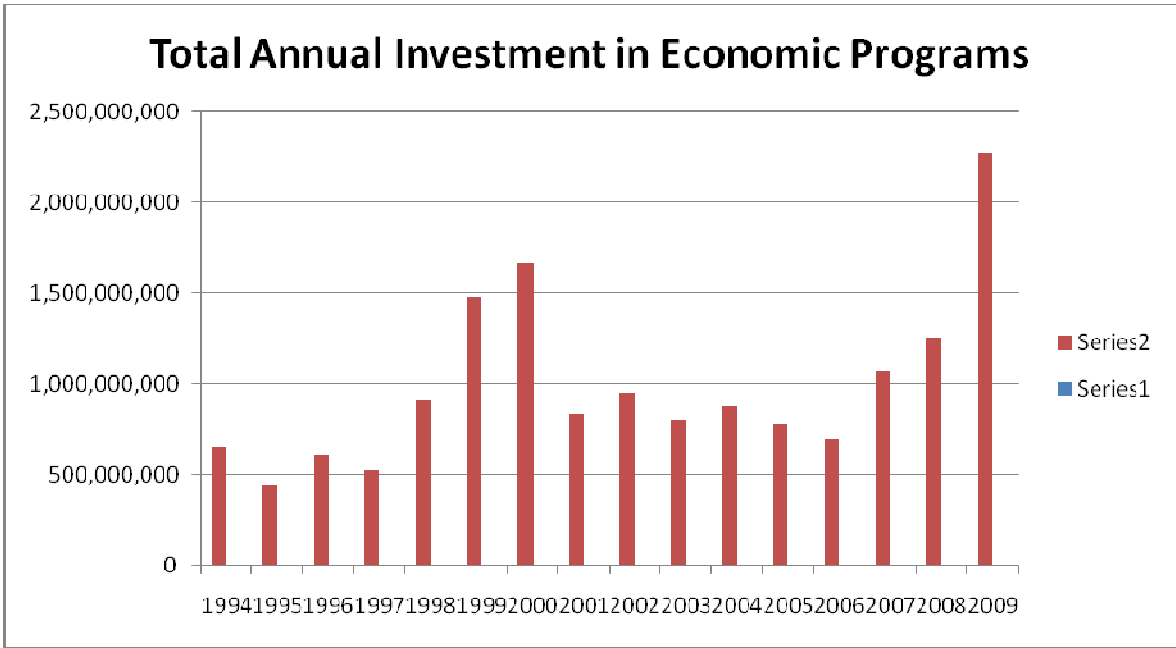


Figure 2

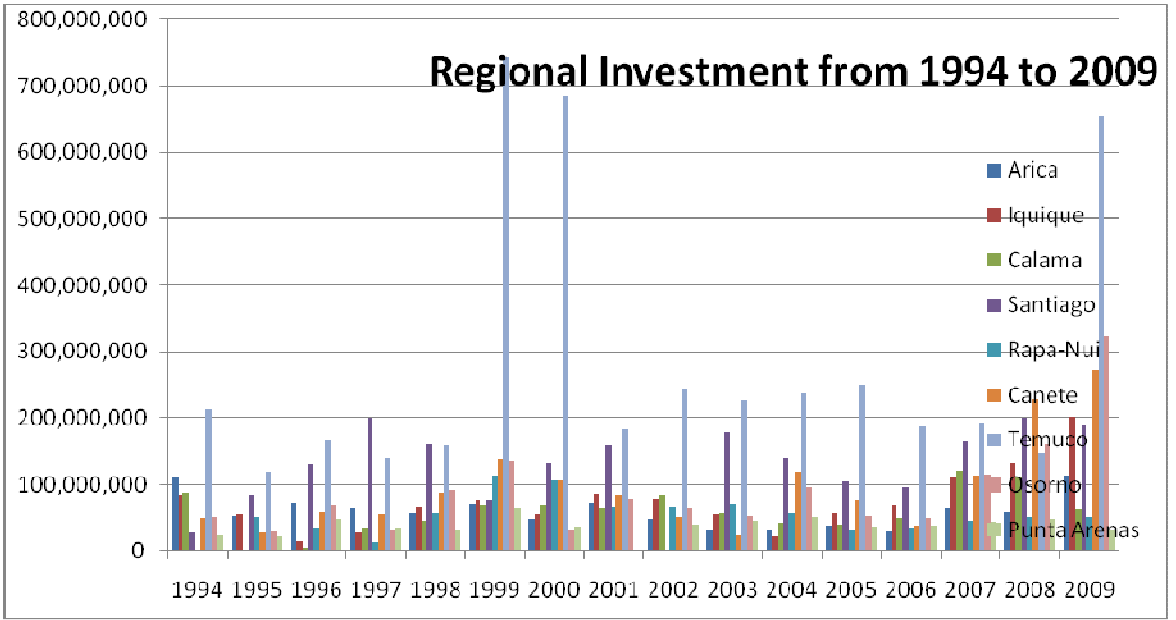


Figure 3

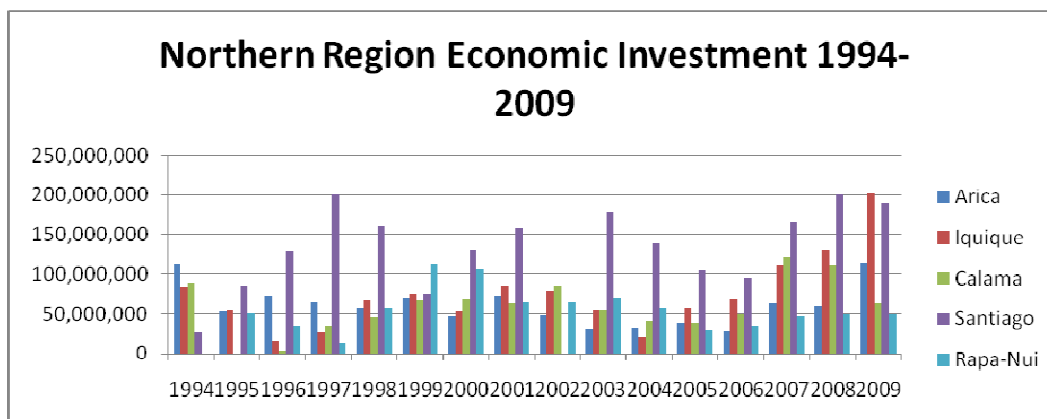


Figure 4

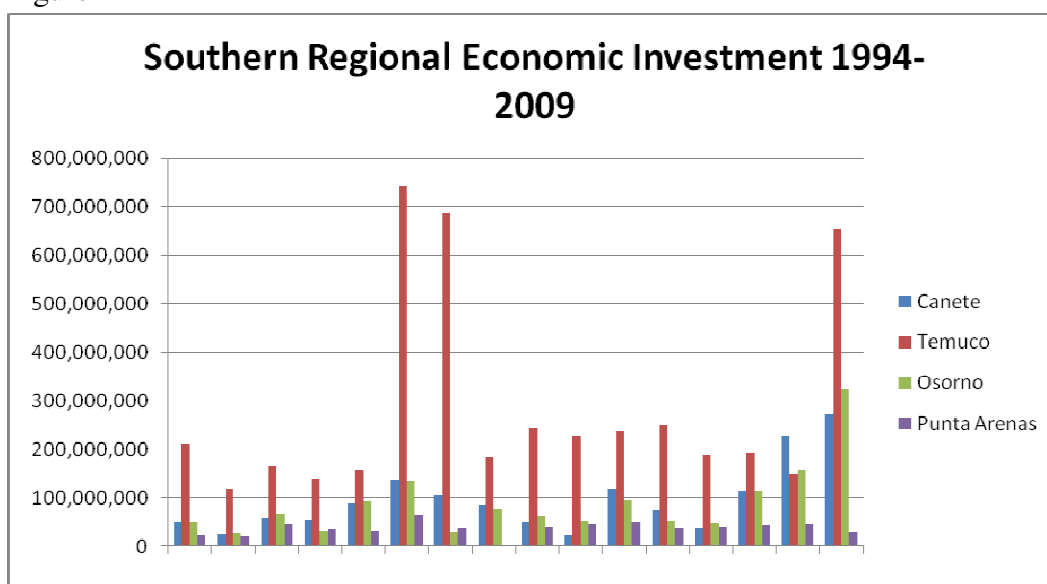


Figure 5

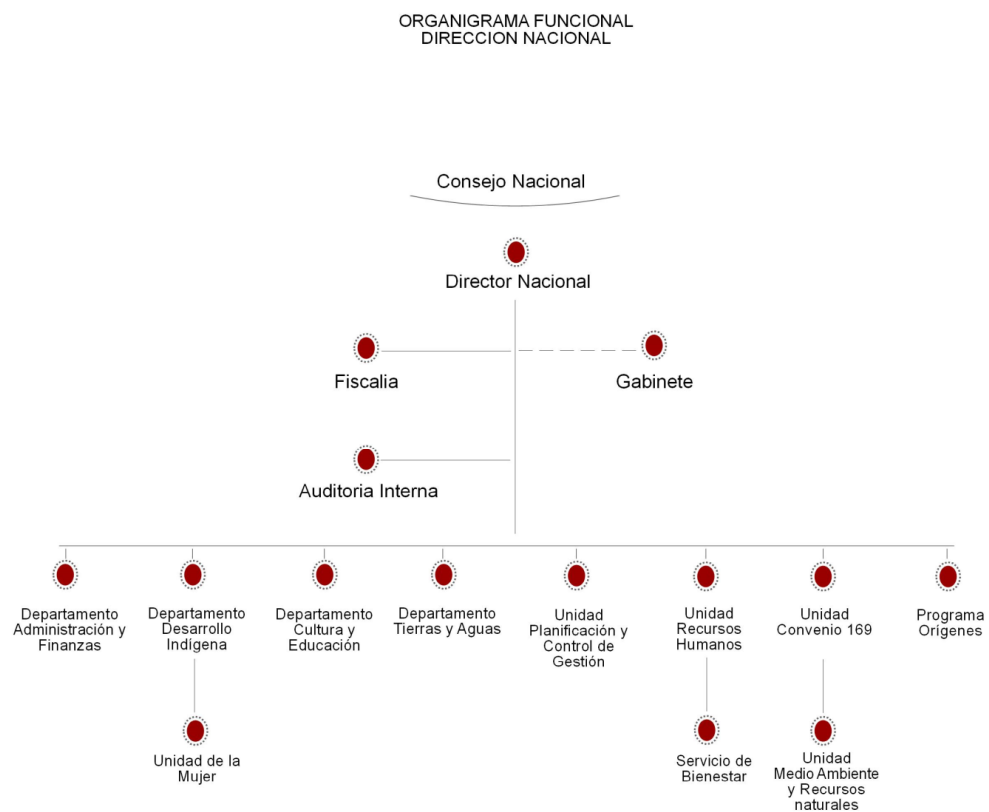


Figure 6



Figure 7- in paper
Figure 8



Figure 9



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Alison Brysk teaches undergraduate and graduate courses in human rights, international relations, civil society and Latin American politics as a professor of Political Science and International Relations at the University of California Irvine. *From Tribal Village to Global Village* talks about indigenous social mobilization in Latin America and the international relations theories that try to explain how they function on a global level.

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He is the park manager of Mapu Lahual in the Maicolpue community. He works extensively with both government officials like CONAF and international nongovernmental organizations like WWF.

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Mr. Llancapan is a Mapuche Community Leader within Santiago. I met him through our study abroad program and was introduced by the SU program director Maricio Paredes. He offered insight into the way he views Mapuche-state relations within Chile and the urban communities.

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Laura is a consultant for the Food and Agricultural Organization of the United Nations (FAO) Multidisciplinary Team for South America Santiago, Chile.

Oltremari, Juan V. "Conflicts, Perceptions, and Expectations of Indigenous Communities Associated with Natural Areas in Chile." *Natural Areas Journal* 2.26 (2006): 215-18. Print.

Oltremari is a Chilean professor who works in Pontificia Universidad Catolica of Chile. He works in the field of "protected area management and conservation of biological diversity" and has been a participant in several projects organized by the UN FAO regional office for Latin America and the Caribbean "all of which were about management and planning for national parks and other protected areas". His article was published in the Natural Areas Journal which I accessed through the Syracuse University Library website. His work focuses on geography, ecotourism and its role in sustainability and productivity for indigenous peoples. It also explores the state-Mapuche relations and whether ecotourism can bridge the gap of mistrust indigenous peoples have with the Chilean government.

Panquierno, Gabriela. Personal interview. 21 June 2009. (CONAF government official)

She is a governmental official of the CONAF forest commission. In the course of interviewing with her, she gave me several packets of information on the ecotourism park and shared her opinion of the role of CONAF in indigenous projects such as ecotourism parks.

Pillanpel, Jose. Personal interview. 15 June 2009.

Mr. Pillanpel is an elected CONADI government official who participates in the coordination of CONADI projects and talks directly to the Chilean government. He offers insight into the role of Mapuches in decision-making positions and government-Mapuche relations.

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Richard Stahler-Sholk is a professor of political science at Eastern Michigan University. Offering a broader version of Latin American social movements, this book talks about social movements that include indigenous rights, women's rights and black ethnicity. Going beyond indigenous rights, the book tries to explain various situations in Latin America where globalization and inter-state communication have affected change on a national level.

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<http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf>.

This declaration is not a treaty or a legally binding document that all states must follow. Instead it acts as a declaration of agreed upon definitions and rights that all indigenous peoples should have as designated by a global community.

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Capstone Summary

Indigenous rights have had an increasing presence in national political discourse and have a unique following by international organizations. The political salience of indigenous ethnicity has pushed through the Andean region in South America, developing countries in Central America and has formed a relatively quiet role in the Southern Cone. Starting on a local level, indigenous communities connected with other indigenous groups beyond national boundaries with similar ideals and demands. This regional communication network pushed indigenous rights from a national question to a regional problem and then to an international discourse of human rights.

Indigenous human rights were formally recognized on the international level with the adoption of the Declaration on the Rights of Indigenous Peoples, which legitimized indigenous communities' demands for self determination, economic development and cultural autonomy. These rights have been recognized by most states and have had varying degrees of success depending on the country and the region. While there are numerous sources on the evolution of indigenous rights in Latin America, as well as the progress made in indigenous rights in Central America and the Andean Region, it is not as well written about in Chile. To what extent has international organizations had an influence on the development of indigenous rights? Do International organizations have enough

power to effectively encourage nations to recognize and guarantee those rights to indigenous peoples?

In Chile the United Nations and other nongovernmental international organizations have to a great extent developed and guaranteed the rights of indigenous peoples. Through a case study that follows the progress of an ecotourism park Mapu Lahual and ideas of several indigenous Mapuche people, I hope to confirm the role international organizations have had on promoting indigenous rights. In addition to this, I also offer a few suggestions on how to better facilitate indigenous rights from an international to a local level.

My primary sources were gathered by several indigenous peoples located in both urban and rural communities. In Santiago, the capital and largest city in Chile, I talked to a Mapuche community leader as well as the national representative of the National Corporation of Indigenous Development CONADI in the 6th region (Santiago). Further south in the 10th region, I was able to talk to a government official from National Forest Corporation CONAF and the park operator for Mapu Lahual in the region of Maicolpue. CONADI is the Corporacion Nacional de Desarrollo Indigena or the National Corporation of Indigenous Development. Within this national commission there is the Fund of Water and Earth, Education and Culture and Indigenous Development. All of these funds and the corporation itself work under the guidance of elected officials from indigenous communities from each region. They constitute a panel of representatives that meet with the president and guide the commission under

government direction. CONAF is the Corporacion Nacional Forestal de Chile or the National Forest Corporation. This commission works as a dependent organ of the Department of Agriculture with the main objective of “administering the forest laws of Chile and facilitate the development of the sector” (CONAF website). Both of these commissions are important because they have direct contact with indigenous peoples and have worked with the development of Mapu Lahual.

Urban and rural indigenous communities, even of the same ethnicity, have different goals for economic development, ideals on cultural preservation and perceptions of the national government and international organizations. Speaking with representatives from two commissions who have worked directly with indigenous communities have given a unique perspective on where indigenous people stand when it comes to national laws, state relationships with communities and international organizations role in cultural preservation.

During the dictatorship there was a law in 1978 that limited democracy and denied cultural relativism. It stated that all people are Chilean and should assimilate to the dominant Chilean culture. However, starting in 1994, they established the Indigenous Law which recognized the existence of other indigenous culture outside of mainstream Chilean culture. This law is the first to follow the rights of indigenous people. However, there remain serious problems with indigenous rights. As one Mapuche community leader said, “the government looking for mines, gas, and other natural resources always has an excuse to take

Mapuche land away. Worse with NAFTA free trade agreements. Who do the Mapuche consult? The land underneath the land we own belongs to the state, including water. People can be taken off their land in order to retrieve resources necessary for the government- and can be sold to companies. And Mapuches never know what is going on because of a lack of communication, no one knows the laws” (Llancapan). The geo-political structure of regions in Chile also hampers indigenous inclusion. The different regions and providences, with diverse resources, climates and needs are all under the same jurisdiction of laws. So water laws for the dessert are the same for Patagonia- it makes conservation and dealing with diverse cultural needs (because of diverse indigenous populations) difficult.

Secondary sources were obtained through government website data, articles and books written by political scientists and professors, as well as official documents presented by both the Chilean state and the United Nations on the progress made in indigenous economic development. These sources were used to validate or contradict assumptions and perceptions the community members and government officials have on the role the state and the United Nations have played in human rights in Chile.

The significance of this project is to better understand the connection between international regimes and efforts to promote indigenous development and human rights with the actual implementation of those rights. In addition to this, the purpose of this paper is to expand the understanding of the position

indigenous peoples hold in Chilean society and the legacy of state denied human rights. Chilean society plays an interesting role of both accepting multiculturalism while still isolating indigenous cultures and people from mainstream society. Human rights for indigenous people still remain on the periphery of Chilean national importance. It does not hold the same level of international recognition like Andean ethnic politics or Central American ethnic conflicts. Chile focuses on being a model of economic progress, democratic stability and has had an increasing role in the international stage both regionally and globally. Along with the legacy of the Pinochet dictatorship, the massive human rights abuses and the impunity that followed, indigenous mobilization and politicization has remained in the shadows of other national issues.